

RUMSON ZONING BOARD
October 19, 2021
MINUTES

The regularly scheduled virtual meeting was called to order at 7:30 pm with a salute to the flag, followed by roll call of: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mrs. Carras, Mr. Shissias, Mr. Izzo, Mrs. McGill (arrived after roll call was taken)
Absent: Mr. Hofferber

Also present, Bernard Reilly, Esq., Fred Andre', Zoning Officer, Kendra Lelie, representing T&M Associates and Eric Paone Hurd, Moderator.

The notice requirements of the Open Public Meetings Act were stated as being met.

Fred Andre', the Borough Zoning Officer was sworn in.

Mr. Reilly announced that the application of John and Moira Barrett for property located at 10 Riverview Avenue will not be heard this evening. It is carried to the November 16, 2021 meeting at 7:30 pm without further notice being required.

Chairman Brodsky announced that the continued application of **The Peach Pit, LLC** for property located at **101 East River Road** be presented for the Board's consideration.

Jennifer S. Krimko, Esquire from the Ansell, Grimm and Aaron law firm representing the applicant addressed the Board. Ms. Krimko recalled Tara Lynn Duva, the Director of Operations for The Peach Pit, LLC, sworn at the previous meeting and remains under Oath.

Adam Harris, Esquire, asked about delivery operations. Ms. Duva testified that there would be food deliveries twice a week during the mornings and possible Amazon deliveries once a month for the facility.

Mr. Harris referred to exhibit A-3, the Use Chart, and asked for clarification of the uses, costs and types of menu items, costs for and available services and projected revenue/profit.

Chairman Brodsky opened the testimony for public questions. There being none, the public question portion was closed.

Sean Byrnes, Esquire representing George Coffenberg. Mr. Byrnes introduced George Coffenberg, the owner of 105 River Road. Mr. Coffenberg was sworn in. Mr. Coffenberg testified that his family owns the property and he has operated a business at that location for many years. Mr. Coffenberg gave a history of the subject property, surrounding properties and the vehicular access onto and off the properties using the shared driveway. Mr. Coffenberg expressed concern for the safety of children and vehicles travelling to and from the facility, traffic impacts. Mr. Byrnes submitted a series of photographs marked GC-1, GC-2, GC-3, GC-3a, GC-4, GC-5 and Mr. Coffenberg explained them.

Ms. Krimko asked for clarification of Mr. Coffenberg's testimony, the photographs supplied and his hours of operation.

Chairman Brodsky opened the testimony for public questions. There being none the public question portion was closed.

Mr. Byrnes introduced Lee D. Klein, a New Jersey licensed traffic engineer. Mr. Klein was sworn in and the Board accepted his credentials. Mr. Klein testified regarding the incompatibility of the proposed use mixed in with surrounding low-intensity office businesses, width of the shared driveway, traffic impacts and vehicular/pedestrian safety.

Ms. Krimko asked questions regarding Mr. Klein's testimony.

Mr. Harris elicited further testimony from Mr. Klein.

Ronald Cucchiaro, Esquire asked further questions of Mr. Klein.

Ms. Krimko asked for clarification of Mr. Klein's testimony.

Mr. Byrnes elicited further testimony of Mr. Klein regarding the proposed use.

Chairman Brodsky opened the testimony for public questions. There being none, the public question portion was closed.

A brief recess was taken.

Mr. Harris introduced Peter G. Steck, a New Jersey licensed planner. Mr. Steck was sworn in and the Board accepted his credentials. Mr. Steck was present or reviewed the last meetings' proceedings and reviewed the Borough of Rumson zoning ordinances and Master Plan and visited the subject property. Mr. Steck described the subject property and gave a history of the site. Mr. Steck testified regarding the RSIS standards regarding cartway and right-of-way widths, intensity of the proposed use, surrounding uses and permitted uses in the zone, adequate buffering and parking.

In Mr. Steck's opinion the proposed use is not particularly suited for this property and the testimony does not adequately justify the granting of the requested variance and will impair the zone plan and ordinance. Mr. Steck cited case law supporting his opinion of this application.

Ms. Krimko asked questions regarding Mr. Steck's testimony.

Mr. Cucchiaro elicited further testimony from Mr. Steck.

Mr. Byrnes also elicited further testimony from Mr. Steck.

Chairman Brodsky opened the testimony for public questions. Tarin Josselyn residing at 62 Manitto Place in Oceanport, New Jersey asked if Mr. Steck was qualified to determine the need of such a facility. Mr. Steck responded that was not his testimony. Carolyn Desena residing at 3 Azalea Lane asked if Mr. Steck was aware that statewide testing has not

taken place in '20/21 school session. Mr. Steck responded that he was not. There being no further public questions, the public question portion was closed.

Ms. Krimko requested the application be carried to the December 14, 2021 Special Zoning Board Meeting at 7 pm, without the need for further notice.

There being no further business before the Board, the meeting was adjourned at approximately 11:05 p.m.

The next scheduled meeting will be **November 16, 2021** at 7:30 p.m.

Respectfully submitted,
Michele MacPherson